

REMARKS

I. Amendment to the Claims

Claim No. 52 has been cancelled.

Upon entry of the foregoing amendment, forty-five (45) claims are pending in the application. Of the pending claims, three (3) claims are independent. Applicant has amended Claim No. 20 to more clearly specify that the first portion of the first side rail corresponds with the first portion of the second side rail and that the second portion of the first side rail corresponds with the second portion of the second side rail. Applicant has also amended Claim No. 20 to specify that the first and second cross bars extend from the first and second side rails, respectively.

Applicant submits that the amendment to the finally rejected claim, Claim No. 20, is being made in accordance with 37 CFR §1.116 because the claim is being amended to comply with a requirement of form expressly set forth in a previous Office Action. The Examiner has concluded that Claim No. 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112 (¶2) and suggested a particular example that would sufficiently clarify that “the first and second portion of each of the rails corresponds to the same on the other (if the top of one rail and the top of the other rail are both the first portion, for example) and whether the cross bars are portions of the side rails as depicted in the figures or if they are separate entities.” Accordingly, applicant submits that the amendment to Claim No. 20 complies with a requirement of form explicitly set forth in the Office Action of February 22, 2007 because the amendment satisfies the Examiner’s requirement that the relationship between the elements in the claim be clarified. In particular, the first portion of the first side rail corresponds with the first portion of the second side rail, and the second

portion of the first side rail corresponds with the second portion of the second side rail.

Additionally, Applicant has particularly identified the first portion and the second portion of the side rails as being selected from a finite set of rail sections, i.e., an upper portion of the side rail, a middle portion of the side rail, or a lower portion of the side rail. Also, the cross-bar extends from the first portion of one of the side rails to the second portion of the other side rail.

Given the particular definitions that are now recited in Claim No. 20, and explained above, there are six (6) combinations possible for the various connections between the cross-bars and the rail sections. These combinations are listed below.

1. bottom of 1st side rail/middle of 2nd side rail & bottom of 2nd side rail/middle of 1st side rail
2. bottom of 1st side rail/top of 2nd side rail & bottom of 2nd side rail/top of 1st side rail
3. middle of 1st side rail/top of 2nd side rail & middle of 2nd side rail/top of 1st side rail
4. middle of 1st side rail/bottom of 2nd side rail & middle of 2nd side rail/bottom of 1st side rail
5. top of 1st side rail/middle of 2nd side rail & top of 2nd side rail/middle of 1st side rail
6. top of 1st side rail/bottom of 2nd side rail & top of 2nd side rail/bottom of 1st side rail

Since there are a finite number of combinations defined by Claim No. 20, Applicant submits that this claim is now definite because it particularly points out and distinctly defines the subject matter which Applicant regards as the invention.

II. Allowable Subject Matter

The Examiner has concluded that Claim Nos. 1,2, 4-17, 19, 39, 40 and 42-50 are allowable. As discussed above, the Examiner has concluded that Claim No. 20, 21, 23-36, and

38 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112 (¶2).

III. Conclusion

For the reasons discussed above, Applicant respectfully submits that Claim Nos. 20, 21, 23-36, and 38 are definite because they particularly point out and distinctly define the subject matter which Applicant regards as the invention.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



By: Dennis J.M. Donahue, III, Reg. No. 43,591
Husch & Eppenberger, LLC
190 Carondelet Plaza
St. Louis, MO 63105
314-480-1642
314-480-1505 FAX